AN ORDINANCE AUTHORIZING THE MAYOR TO WAIVE SECTION 2-1192, ARTICLE X, OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES AND TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO PAY THE INVOICES OF SWS FIRST RESPONSE (SOUTHERN WASTE SERVICES, INC.) FOR EMERGENCY COLLECTION, REMOVAL AND DISPOSAL OF CHEMICALS SPILLED AT THE HEMPHILL TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND THREE HUNDRED FIFTY-SIX DOLLARS AND FIFTY-FOUR CENTS (\$125,356.45); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2J01 (WATER & WASTEWATER REVENUE FUND) 523001 (WATER (SERVICE/REPAIR/MAINTENANCE CONTRACT) **Q63301** TREATMENT COMPLEX - HEMPHILL); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") owns and operates the Water and Wastewater Treatment and Collection System; and

WHEREAS, on August 12, 2006, a chemical spill occurred at the Bureau of Drinking Water's Hemphill Treatment Plant; and

WHEREAS, upon notification, an emergency was declared by the Georgia Environmental Protection Division and the Georgia Emergency Management Agency; and

WHEREAS, the Department of Watershed Management secured the services of SWS First Response (Southern Waste Services, Inc.) ["Contractor"] to handle the chemical spill; and

WHEREAS, the Department of Procurement was not notified in a timely fashion as required in Section 2-1192, Article X, Procurement and Real Estate Code of the City of Atlanta; and

WHEREAS, the Department of Watershed Management secured quotes and SWS was the only contractor to respond to the request; and

WHEREAS, the Contractor has performed the services satisfactorily; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended that the City pay the invoices of the Contractor in the amount of One Hundred Twenty-Five Thousand, Three Hundred Fifty-Six Dollars and Fifty-Four Cents (\$125,356.54).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

That Section 2-1192, Article X, Procurement and Real Estate Code of the City Of Atlanta Code Of Ordinances is hereby waived to allow the Chief Financial Officer to pay the invoices of SWS First Response (Southern Waste Services, Inc.) in an amount not to exceed One Hundred Twenty-Five Thousand, Three Hundred Fifty-Six Dollars and Fifty-Four Cents (\$125,356.54).

Section 2.

That the Chief Financial Officer is authorized to remit payment to the Contractor as appropriate, for services rendered in Section 1 of this ordinance.

Section 3.

That the payment of the invoices will be charged to and paid from Fund, Account and Center Number 2J01 (Water & Wastewater Revenue Fund) 523001 (Service/Repair/Maintenance Contract) Q63301 (Water Treatment Complex - Hemphill).

Section 4.

That all ordinances or parts or ordinances in conflict herewith, including but not limited to Sections 2-1192 are hereby waived to the extent of the conflict.

<u>Part II: Legislative White Paper:</u> (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/Executive

Caption: AN ORDINANCE

BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO WAIVE SECTION 2-1192, ARTICLE X, OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES AND TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO PAY THE INVOICES OF SWS FIRST RESPONSE (SOUTHERN WASTE SERVICES, INC.) FOR EMERGENCY COLLECTION, REMOVAL AND DISPOSAL OF CHEMICALS SPILLED AT THE HEMPHILL TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND THREE HUNDRED FIFTY-SIX DOLLARS AND FIFTY-FOUR CENTS (\$125,356.45); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2J01 (WATER & WASTEWATER REVENUE FUND) 523001 (SERVICE/REPAIR/MAINTENANCE CONTRACT) Q63301 (WATER TREATMENT COMPLEX - HEMPHILL); AND FOR OTHER PURPOSES.

Council Meeting Date: September 17, 2007

Requesting Dept.: Watershed Management

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to seek authorization to pay SWS First Response for Emergency Collection, Removal and Disposal of Chemicals Spilled at the Hemphill Treatment Plant in an amount not to exceed One Hundred Twenty-Five Thousand Three Hundred Fifty-Six Dollars and Fifty-Four Cents (\$125,356.54).

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

On August 12, 2006 a chemical spill occurred at the Bureau of Drinking Water's Hemphill Treatment Plant. As required, EPD and GEMA were immediately notified of the spill. An emergency was declared by EPD and GEMA. Staff acting upon this declaration proceeded to secure a contractor to handle the chemical spill. Unfortunately, the Department of Procurement was not notified timely, in accordance with the Emergency Procurement section of the Code. This has necessitated Council approval to authorize payment for these services.

3. <u>If A</u>	Applicable/Known:	
(a)	Contract Type (e.g. Professional Services, Construction Agreement, etc):	SERVICES
(b)	Source Selection: Emergency Procurement	
(c)	Bids/Proposals Due:	
d)	Invitations Issued:	
(e)	Number of Bids:	
(f)	Proposals Received: one (1)	
(g)	Bidders/Proponents: SWS First Response	
(h)	Term of Contract: N/A	
FUND)	ind Account Center (<i>Ex. Name and number</i>): 2J01 (WATER & WASTEWATER RE D) -523001(SERVICE/REPAIR/MAINTENANCE) - Q63301 (WATER TREATMEN IPLEX - HEMPHILL)	
Fund: _	: Center:	
5. Soui	ource of Funds: Example: Local Assistance Grant WATER AND SEWER REVENU	JE
6. Fisc	iscal Impact: \$125,356.54	
	nple: This legislation will result in a reduction in the amount of to Fund Ac ber	count Center
7. Meth	ethod of Cost Recovery: WATER AND SEWER REVENUE	
	Legislative Request Form Was Prepared By: Gwendolyn J. Carswell, Contracting Onterim Watershed Manager, ext. 6331	Officer,

FILE COPY



CITY OF ATLANTA

67 JULY 24 PM 3: 58

SHIRLEY FRANKLIN MAYOR

CITY OF ATLANTA

55 TRINITY AVENUE,, SW. SUITE 5400, SOUTH BLDG. ATLANTA, GEORGIA 30303-0324 OFFICE (404) 330-6081 FAX (404) 658-7194

DEPARTMENT OF WATERSHED MANAGEMENT ROBERT J. HUNTER Commissioner

July 23, 2007

TO:

FROM:

RE:

Robert J. Hunter, Commissioner
Department of Watershed Management

LEGISLATIVE PEOT Emergency Collection, Removal and Disposal of Chemicals Spilled at the

Hemphill Treatment Plant

Contractor: SWS First Response

Please prepare appropriate legislation for Cycle 14 (September 4, 2007) for the purpose of approving for payment for the above referenced services on behalf of the Bureau of Drinking Water.

On August 12, 2006, the Bureau of Drinking Water's Hemphill Treatment Plant experienced a chemical spill. Three companies were immediately contacted to perform the clean-up effort. SWS First Response was the only respondent that could mobilize immediately to contain the hazardous spill. They quarantined the chemical mixture into two (2) tanks that were maintained on-site until a landfill could be located. The cost for clean-up, on-site containment in rental tanks, hauling and disposal is \$125,356.54.

Attached is the requisition (#Q6337001) identifying the appropriate fund-account and center number (2J01-523001-Q33901) in the amount of \$125,356.54.

If you have any questions concerning this matter, please feel free to contact Gwendolyn J. Carswell, Interim Watershed Manager, at (404) 330-6331.

Your assistance in this matter is requested and appreciated.

/gjc

c: Sheila Pierce, DWM
Chris Hebberd, DW
Sammy Goodson, DWM
Pati McMahon, DWM
Benjamin Kuku, DW
Karla Brown, DW
Cathy Martin, DOP
Jimmy Gragg, DW
Maisha Land-Wood, DWM
John Kinsey, DF
Gwendolyn J. Carswell, DWM
File

City of Atlanta Bureau of Purchasing and Real Estate



REQUISITION

BUY ENTIT	TY P	R O C	REQUESTER I.D. 3 0 0 1 ACCOUNT	QUISITION 1 3 Q Q	NUMBER 4 6 3	30	SHIP-TO-CODE CENTER	7001
	ompany)					Date Neede)
Line #	Item No.		Description]	QTY	UOM	Unit Price	Estimated Amount
1	9825000		R CHEMICAL SPILL REM	MOVAL	1	EA	\$1,276.30	\$1,276.30
2	1	TANK RENTALS FOR	R CHEMICAL SPILL REN 9742	MOVAL	1	EA	\$124,080.24	\$124,080.24
						TO A STATE OF THE		
								DEPT.
								OF PROCL
								REWENT
	16015/10							\$125,356.54
Suggested	Vendor	SWS FIRST	RESPONSE		Vend	lor Number	Q6936	
Departmen	ıt <u>Wat</u>	tershed Manageme	<u>∍nt</u>					
	******	RLA BROWN tifies that funds are av	Date Completed vailable at the budget a	adoption le	e 1, 2007 evel at all ti		Phone Number	(404) 982-1439
Authorized	Signature	Koben	I John	<u>tu</u>	<u> </u>	·	Date 724	-2007
	enly Buyer I.D.		Finance Use Only			EMISUSO Approve	Computer	Equipment pprove
Req Entere		Signature	Fac Approval	Signature	***************************************	l' Maria	Signa	
		Date		Date			Date	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

BPRE003-01

Georgia Department of Natural Resources

Mountain District Office, 16 Center Road, Cartersville, Georgia 30121

Noel Holcomb, Commissioner Environmental Protection Division Carol A. Couch, Ph. D., Director

Phone: (770) 387-4900 Fax: (770) 387-4906

Remit Correspondence lo: Post Office Box 2250 Carteraville, Georgia 30120

OCT 1 0 2006

RE:

CERTIFIED MAIL 7006 0810 0005 6296 0783

Honorable Shirley Franklin, Mayor City of Atlanta 651 Fourteenth Street Atlanta, Georgia 30318

Notice of Violation

Proposed Consent Order Hemphill Water Complex

Fulton County

Dear Mayor Franklin,

The Georgia Environmental Protection Division (EPD) is alleging the City of Atlanta to be in violation of the Georgia Oil or Hazardous Material Spills or Releases Act (O.C.G.A. 12-14-1, et. seq.). Your written report dated October 3, 2006 states that at approximately 1030 hours on August 12, 2006.150 pounds of chlorine gas was released into the atmosphere from the accidental mixing of sodium hypochlorite and fluoric acid. The Georgia Department of Natural Resources Emergency Operations Center (1-800-241-4113) was not notified of the release and the above referenced Act specifies that notification must be made immediately upon having knowledge of any spill or release of a hazardous substance if the quantity equals or exceeds the reportable quantity, or if the quantity is unknown.

The EPD is offering to resolve and settle this matter through the enclosed Consent Order (Order). If you agree to the terms of the Order, please sign and return the Order with your check, made payable to the Department of Natural Resources, in the amount of One Thousand Dollars (\$1,000.00), within fifteen (15) days of receipt to:

Environmental Protection Division Mountain District Office Post Office Box 3250 Cartersville, Georgia 30120

Upon execution of the Order, you will be expected to initiate all provisions set forth in the Order. The EPD considers this settlement to be a reasonable resolution to this issue. We urge your prompt attention to this matter. If you should have any questions concerning this matter, please contact J. R. Campbell, of my staff at (770) 387-4936.

Sincerely,

Albert K. Langley, Jr., Ph. D., Manage

Mountain District Office

Enclosure

ENVIRONMENTAL PROTECTION DIVISION DEPARTMENT OF NATURAL RESOURCES STATE OF GEORGIA

IN RE:

Honorable Shirley Franklin, Mayor

City of Atlanta

651 Fourteenth Street Atlanta, Georgia 30318 ORDER NO. EPD-ERT-\$W-

CONSENT ORDER

WHEREAS, the City of Atlanta, (hereinafter "Respondent"), is responsible for the operation of the Hemphill Water Complex, located at 650 Bishop Street, Atlanta, Georgia, (hereinafter "Site"); and

WHEREAS, under the "Georgia Oil or Hazardous Material Spills or Releases Act O.C.G.A. 12-14-1, (hereinafter "Act"), the General Assembly of Georgia designated the Environmental Protection Division (hereinafter "EPD"), to administer the provisions of the Act; and

WHEREAS, O.C.G.A. 12-14-3(a) requires any person having knowledge of the release of an amount of a hazardous substance equal to or greater than the reportable quantity, or of an unknown amount of a hazardous substance, to immediately notify the Division through the Department of Natural Resources Emergency Operations Center of said release; and

WHEREAS, the Respondent first had knowledge of a release of chlorine gas into the atmosphere at approximately 1030 hours on the morning of August 12, 2006; and

WHEREAS, Division records document that the Respondent failed to notify the Department of Natural Resources Emergency Operations Center of the release on the morning of August 12, 2006 as required; and

WHEREAS, O.C.G.A. 12-14-4 specifies, inter alia, that any person knowingly violating any provision of this section of the Code shall be tiable to the State of Georgia for civil penalties not to exceed \$1,000 per day for each day during which such violation continues; and

WHEREAS, an amicable disposition of this allegation is considered to be, for all parties concerned, in the best interest of the citizens of the State of Georgia.

NOW THEREFORE, the Director hereby ORDERS and Respondent AGREES and CONSENTS to comply with the following:

- The Respondent shall immediately perform a comprehensive review of policies and procedures related to emergency situations at the Site, including a determination of why the reporting requirements of the Act were not met.
- The Respondent will develop and implement an action plan that will prevent such occurrences in the future and provide EPD a copy of this plan within 30 days of the executed date of this Order.
- The Respondent further agrees that the Department of Natural Resources Emergency
 Operations Center (1-800-241-4113 or 404-656-4863) shall be contacted immediately in the
 event of any future releases of any regulated substance, in accordance with O.C.G.A. 12-14-1
 et. seg.
- The Respondent will pay the State of Georgia the sum of One Thousand Dollars (\$1,000.00) upon the effective date of this Order.

This Order shall not constitute a finding or adjudication of a violation of any State law by the Respondent, nor does the Respondent, by this consent, agree to any violation of State law or admit any liability to any third party or parties.

THE DIRECTOR FURTHER ADVISES THAT this Order does not constitute a waiver or imply that EPD will not take appropriate enforcement action against the Respondent for failure to: (1) fully satisfy the conditions of this Order, or (2) fully comply with other relevant statutory, regulatory, or other legal requirements imposed upon the Respondent.

By AGREEMENT of the parties, this Order shall be considered final and effective immediately and shall not be appealable, and the Respondent hereby waives any hearing on the terms and conditions of the same.

ic is so	ORDERED, CONSENTED, and AGREED	this day of 2006.
FOR T	THE RESPONDENT:	FOR THE DIVISION
Ву:		
Title:		Carol A. Couch, Ph. D. Director
Date:		

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Department's Legislative Liaison Maishal. Wood
Contact Number: x 6887
Originating Department: Watershed Management
Committee(s) of Purview: Finance/Executive
Council Deadline: August 17, 2007
Anticipated Committee Meeting Date(s): August 29 and September 12, 2007
Anticipated Full Council Date: September 17, 2007
Legislative Counsel (Signature): M. Theresa Stewart
Commissioner Signature Kobert J. Writter
Chief Procurement Officer Signature: Alum J. Smith
CAPTION
AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE
AN ORDINANCE AUTHORIZING THE MAYOR TO WAIVE SECTION 2-1192, ARTICLE X, OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES AND TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO PAY THE INVOICES OF SWS FIRST RESPONSE (SOUTHERN WASTE SERVICES, INC.) FOR EMERGENCY COLLECTION, REMOVAL AND DISPOSAL OF CHEMICALS SPILLED AT THE HEMPHILL TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND THREE HUNDRED FIFTY-SIX DOLLARS AND FIFTY-FOUR CENTS (\$125,356.45); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2J01 (WATER & WASTEWATER REVENUE FUND) 523001 (SERVICE/REPAIR/MAINTENANCE CONTRACT) Q63301 (WATER TREATMENT COMPLEX - HEMPHILL); AND FOR OTHER PURPOSES.
FINANCIAL IMPACT (if any):
Mayor's Staff Only
Received by CPO: (date) Received by Mayor's Office: (date) Submitted to Council: (date) Received by LC from CPO: Reviewed by: (date) Reviewed by: (date) (date) 1N3W3W0008d 30 11d30